

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

KEVIN SALISBURY,

Defendant.

Case No. 2:13-cr-00062-JCM-PAL

**ORDER**

(Mtn for Records - Dkt. #29)

This matter is before the court on Defendant Kevin Salisbury's Ex Parte Motion to Obtain Medical Records (Dkt. #29) filed October 24, 2013. The court has considered the Motion.

On February 12, 2013, the federal grand jury returned an Indictment (Dkt. #1) against Salisbury charging him with one count of assault on a federal officer in violation of 18 U.S.C. § 111(a). Salisbury made an initial appearance on March 22, 2013, was appointed counsel, and entered a not guilty plea. *See Minutes of Proceedings* (Dkt. #10). After a hearing, Salisbury was detained pending trial. *Id.*; Order of Detention (Dkt. #11). On July 23, 2013, the court held a hearing on Salisbury's Motion for Psychiatric Evaluation to Determine Mental Competency to Stand Trial (Dkt. #16). *See Minutes of Proceedings* (Dkt. #19). On June 26, 2013, the court ordered Salisbury be transported by the U.S. Marshal's Service to a Bureau of Prisons facility to undergo a psychiatric evaluation to determine his competency to stand trial. *See Order* (Dkt. #21). On October 2, 2013, the court received a psychiatric report from Dr. Alicia Gilbert, Ph.D., a forensic psychologist at the Metropolitan Correctional Center in San Diego, California, which was filed under seal on the court's docket. On October 8, 2013, the court held a status hearing in this matter. *See Minutes of Proceedings* (Dkt. #24). The court set a competency hearing for October 24, 2013, which was continued by Stipulation (Dkt. #26) until November 5, 2013. *See Minutes of Proceedings* (Dkt. #24); Order on Stipulation (Dkt. #27).

1 The Motion for Records represents that defense counsel needs Salisbury's medical records from  
2 the Southern Nevada Detention Center and from the Metropolitan Correctional Center in order to  
3 properly prepare for the competency hearing. Dr. Gilbert agreed to provide all the records she reviewed  
4 and relied on in making her report, but she required a subpoena and a written waiver from Salisbury.  
5 Counsel represents that Salisbury has refused to meet or speak with counsel and will not sign a waiver.  
6 Therefore, defense counsel seeks an order from the court to obtain Salisbury's medical records from the  
7 Federal Bureau of Prisons and the Southern Nevada Detention Center.

8 Having reviewed and considered the matter,

9 **IT IS ORDERED:**

- 10 1. Salisbury's Motion for Records (Dkt. #29) is GRANTED.
- 11 2. Dr. Gilbert shall produce, no later than **November 2, 2013**, copies of all of Salisbury's  
12 medical records that she or any of the other evaluators reviewed or relied on in preparing  
13 psychiatric report on Salisbury dated September 13, 2013, to the Clerk of the Court, who  
14 shall notify counsel for Salisbury and the government that the documents are available  
15 for inspection and copying.
- 16 3. The medical director, or custodian or records at the Southern Nevada Detention Center  
17 shall produce, no later than **November 2, 2013**, copies of all of Salisbury's medical  
18 records to the Clerk of the Court, who shall notify counsel for Salisbury and the  
19 government that the documents are available for inspection and copying.

20 Dated this 25th day of October, 2013.

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24 PEGGY A. LEEN  
25 UNITED STATES MAGISTRATE JUDGE  
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